

FILED BY  D.C.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF TENNESSEE, et al.,

Defendants, and

PEOPLE FIRST OF TENNESSEE
on behalf of its members,PARENT-GUARDIAN ASSOCIATION
OF ARLINGTON DEVELOPMENTAL
CENTER,

Intervenors.

Civil Action No.: 92-2062 D/P

ORDER CONTINUING HEARING ON PGA'S TRO MOTION

The Court has received and reviewed the joint motion of the Plaintiff the United States of America, Defendants the State of Tennessee, et al., Intervenors People First of Tennessee, et al., and Intervenor Parent Guardian Association of Arlington Developmental Center ("PGA" and collectively with the other parties the "Parties") to continue the hearing on the Motion for Temporary Restraining Order (the "TRO Motion"), which is set to recommence on July 25, 2005. In their motion, the Parties state that they seek this continuance for three primary reasons: first, the parties remain committed to exploring the possibility of resolving these issues through a settlement that can be agreed to by all of the parties, including PGA, the movant for the temporary restraining order and other relief; second, on June 2, 2005, the Sixth Circuit heard

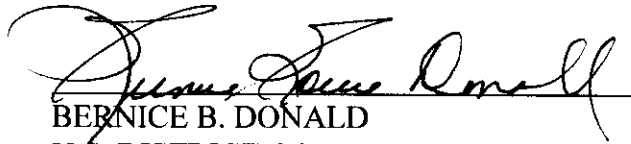
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argument of two appeals that will directly impact the Motion and each of the Parties believe that it makes sense for the Court and the litigants to delay expending their resources and the valuable resources of this Court for a lengthy hearing until these appeals are decided; and, third, a task force organized by the State of Tennessee to develop a three-year community plan in west Tennessee, including development of appropriate provider capacity for residential and ancillary services in the community, will not complete its planning efforts until August 2005, and the task force's planning may be helpful to the resolution of the TRO Motion. The Parties ask this Court to continue the hearing and reset it for a date certain sometime after October 21, 2005. The Court finds that these reasons are well taken and that a continuance is appropriate.

For the reasons set forth in this Order, the Court hereby ORDERS the following:

1. The Hearing on the Motion for Temporary Restraining Order, which was set for July 25, 2005, is hereby continued; and,
2. The Hearing on the Motion for Temporary Restraining Order will be reset for a date certain some date after October 21, 2005.

IT IS SO ORDERED this 21 day of June 2005.


BERNICE B. DONALD
U.S. DISTRICT COURT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 2004 in case 2:92-CV-02062 was distributed by fax, mail, or direct printing on June 22, 2005 to the parties listed.

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US DISTRICT COURT